

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.7401 of 2006

Musa Imam Mujawar since deceased
through his LRs.

Petitioners

Vs.

Shri Babulal Harisharandas Agarwal

Respondent

Mr.Mandar Limaye with Mr.S.M.Kelkar for petitioners.
Mr.Tejas Dande for respondent.

CORAM: B.H.MARLAPALLE, J.

March 15, 2007.

P.C.

. This petition is by the original defendant in
R.C.S. No.983 of 1990 and the said suit was
dismissed on 15/9/1993 and the said dismissal order
came to be challenged by the plaintiff in Regular
Civil Appeal No.747 of 1993. The learned 6th Ad-hoc
Addl. District Judge, Pune was pleased to allow the
appeal by judgment and order dated 22/8/2006. The
plaintiff's suit came to be decreed and hence this
petition.

. In Writ Petition No.4138 of 2006 by a reasoned
order dated 24/8/2006 I have already taken a view
that both the Courts below are subordinate Courts
and, therefore, the order passed by the lower
Appellate Court can be challenged by filing a civil

revision application under Section 115 of C.P.C.

Hence this petition need not be entertained when the petitioner has an alternative statutory remedy.

. The petition is, therefore, disposed as

withdrawn with liberty to file a civil revision application. Ad-interim order passed on 17/11/2006

shall be continued for a period of two weeks.

Annexures be returned if applied for. Pendency of

this petition may be considered for condonation of

delay, if any.

(B.H.MARL